REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-17, 19-24, 34, and 36-42 are currently pending. Claims 1, 3, 10, 17, 19, 34, and 36 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.[1]

In the outstanding Office Action, the Amendment filed March 6, 2008, was objected to under 35 U.S.C. § 132(a) as introducing new matter into the disclosure; Claims 1, 3-17, 19-24, 34, and 36-42 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement; Claims 1, 3-17, 19-24, 34, and 36-42 were rejected under 35 U.S.C § 112, second paragraph, regarding the determination of the type of abnormality; and Claims 1, 3-6, 8-13, 15-17, 19-24, 34, 36-39, 41, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,148,979 to Yanagawa (hereinafter "the '979 patent") in view of U.S. Patent No. 6,973,597 to Schroath et al. (hereinafter "the '597 patent"); and Claims 7, 14, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '979 patent in view of the '597 patent and "what was well known in the art at the time of the invention."

Applicant wishes to thank the Examiner for the interview granted Applicant's representative on August 6, 2008, at which time the outstanding rejections of the claims under 35 U.S.C. § 112, first and second paragraphs, and 35 U.S.C. § 103(a) were discussed. The Examiner indicated that the proposed amendments appear to overcome the rejections under 35 U.S.C. § 112, pending a further review, and that the rejections of the claims under 35 U.S.C. § 103(a) would be reconsidered upon formal submission of a response to the outstanding Office Action.

[1] See, *e.g.*, page 46, lines 4-23 of Applicant's specification.

Regarding the objection to the Amendment filed March 6, 2008, it is noted that MPEP § 706.03(o) provides that:

> [i]n the examination of an application following amendment thereof, the examiner must be on the alert to detect new matter. 35 U.S.C. 132 >(a)< should be employed as a basis for objection to amendments to the abstract, specification, or drawings attempting to add new disclosure to that originally disclosed on filing.

Accordingly, as the Amendment filed March 6, 2008, did not amend the abstract, specification, or drawings, it is respectfully requested that the objection to the Amendment be withdrawn.

Further, it is noted that footnote 1, at page 13 of the Amendment filed March 6, 2008, indicated that support for the amendments to the claims could be found at, *e.g.*, page 45, line 12 to page 47, line 22 of Applicant's specification. In particular, it is noted that Applicant's specification discloses that, when a predetermined event such as an abnormality occurs in any of the hardware resources, the event is detected, and different processes are performed depending on the kind of event detected. Further, Applicant's specification discloses that information serving as a reference for determining the kind of event is required.[2] Exemplary kinds of events include a "Type A" that represents an SC that cannot be solved (cancelled) by a person using the apparatus, a "Type B" that represents an SC that does not allow the use of a specific (predetermined) function in which the abnormality is detected, a "Type C" that represents an SC that performs internal logging (history saving) of an occurrence of SCs, and a "Type D" that represents an SC that makes the SC display on the character display unit of the operation panel 205 so as to prohibit the use of the image forming apparatus, but can be solved by temporarily turning the electronic apparatus OFF and back ON.[3]

[2] See page 45, lines 15-21 of Applicant's specification.
[3] Id. at page 46, line 1; also see Figure 12.

Regarding the rejection of Claims 1, 3-17, 19-24, 34, and 36-42 under 35 U.S.C. § 112, first paragraph, the Office Action asserts that one of ordinary skill in the art cannot make and use the invention because the specification provides no support for "a third type [of abnormality] that corresponds to a predetermined function in which the abnormality is detected."[4] However, as noted above, Applicant's specification clearly discloses a "Type B" SC that does not allow the use of **a specific (predetermined function) in which the abnormality is detected**.[5]

Further, the Office Action asserts that the claimed invention cannot be made (*i.e.*, it is not feasible) due to the fact that while the abnormality type determination part determines an abnormality to be of one type (see claim 1, lines 4-6), the Examiner can clearly see that an abnormality can be of multiple types given the definition of the third type. Accordingly, as discussed during the interview of August 6, 2008, independent Claims 1, 10, 17, and 34 have been amended to clarify the abnormalities of the first type and the third type. In particular, Claims 1, 10, 17, and 34 have been amended to recite "a first type that cannot be eliminated by a user of the electronic apparatus and that prohibits use of the electronic apparatus" and "a third type that corresponds to a predetermined function in which the abnormality is detected and that prohibits use of the corresponding predetermined function."

For a non-limiting example, it is noted that Applicant's specification discloses that information serving as a reference for determining the kind of event is required.[6] Applicant's specification discusses that a "Type A" abnormality is of a type that cannot be solved (cancelled) by a user, and that a "Type B" abnormality is of a type in which only a specified function corresponding to the abnormality cannot be used.[7] Thus, it is respectfully submitted that one of ordinary skill in the art would be able to distinguish between a "Type A"

[4] See Office Action dated June 2, 2008, page 4.
[5] See, *e.g.*, page 46, lines 12-23 of Applicant's specification.
[6] See, *e.g.*, page 45, lines 19 and 20 of Applicant's specification.
[7] See, *e.g.*, Figure 12 of the present application.

abnormality and a "Type B" abnormality, as recited in Claim 1, without undue experimentation.

Accordingly, it is respectfully requested that the rejection of Claims 1, 3-17, 19-24, 34, and 36-42 under 35 U.S.C. § 112, first paragraph, be withdrawn

Regarding the rejection of Claims 1, 10, 17, and 34 under 35 U.S.C. § 112, second paragraph, the Office Action asserts that the claimed invention is indefinite due to the fact that while the abnormality type determination part determines an abnormality to be of one type (see claim 1, lines 4-6), the Examiner can clearly see that an abnormality can be of multiple types given the definition of the third type. As noted above, Claims 1, 10, 17, and 34 have been amended to clarify the abnormalities of the first type and the third type, as discussed during the August 6, 2008 interview. Further, it is respectfully submitted that one of ordinary skill in the art would clearly understand the difference between abnormalities of a first type (which cannot be eliminated by a user and that prohibits use of the electronic apparatus) and a third type (corresponding to a predetermined function in which the abnormality is detected and that prohibits use of the corresponding predetermined function). Accordingly, it is respectfully requested that the rejection of Claims 1, 10, 17, and 34 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Regarding the rejection of Claims 3, 19, and 36 under 35 U.S.C. § 112, second paragraph, Claims 3, 19, and 36 have been amended to clarify the relationship between the determination of the abnormalities and the fourth type. Further, as noted above, Claims 1, 10, 17, and 34 have been amended to clarify the abnormalities of the first type and the third type. Accordingly, the rejection of Claims 3, 19, and 36 under 35 U.S.C. § 112, second paragraph, is believed to have been overcome.

Previously presented Claim 1 is directed to an electronic apparatus, comprising:

an abnormality detector configured to detect an abnormality when the abnormality occurs in the electronic apparatus;

an abnormality type determination part configured to determine a type of the abnormality detected by said abnormality detector, the abnormality type determination part configured to determine the type of the abnormality as one of

a first type that cannot be eliminated by a user of the electronic apparatus and that prohibits use of the electronic apparatus,

a second type that can be eliminated by the user of the electronic apparatus, and

a third type that corresponds to a predetermined function in which the abnormality is detected and that prohibits use of the corresponding predetermined function;

an abnormality notification part configured to automatically inform an external apparatus of the abnormality when the type of the abnormality determined by said abnormality type determination part is of the first type, and to inform the external apparatus of the abnormality when the type of abnormality is a repeat occurrence of the second type; and

an abnormality display part configured to display, when the type of the abnormality determined by said abnormality type determination part is of the third type, that the abnormality is occurring only when a user request to use the predetermined function is received.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the '979 patent is directed to a printing system and method of dealing with problems in the system. In particular, the '979 patent discusses that a host computer 1 determines whether a problem is of (1) Type A that is **capable of being resolved** by the operator per se, (2) Type B that is technical and **cannot be resolved** by the operator, and (3) Type C that **relates to a question** the operator wishes to inquire about. The '979 patent further discusses that the problem types

are identified based on information received by the host computer 1 from a separate printing apparatus 3, as illustrated in Figure 1.[8]

However, it is respectfully submitted that the '979 patent fails to disclose an abnormality type determination part configured to determine the type of the abnormality as one of a first type that cannot be eliminated by a user of the electronic apparatus and that prohibits use of the electronic apparatus, a second type that can be eliminated by the user of the electronic apparatus, and a third type that corresponds to a predetermined function in which the abnormality is detected and that prohibits use of the corresponding predetermined function. Rather, the '979 patent only discusses problems of Type A, Type B, and Type C, as discussed above. The '979 patent does not disclose a problem of a third type ***that corresponds to a predetermined function in which the abnormality is detected and that prohibits use of the corresponding predetermined function***, as recited in Claim 1.

Further, it is respectfully submitted that the '979 patent fails to disclose an abnormality display part configured to display, when the type of the abnormality determined by said abnormality type determination part is of the third type, that the abnormality is occurring only when a user request to use the predetermined function is received. Rather, as cited by the Office Action, the '979 patent discusses that among the problems sensed by the sensors 105 to 109 of the printing apparatus, there are certain simple problems that **the operator of the apparatus can readily deal with to effect recovery** including problems such as "OUT OF INK" (*i.e.*, a problem of Type A that is capable of being resolved by the operator per se).[9] The '979 patent does not disclose that these simple problems correspond to an abnormality of a ***third type***, as defined in Claim 1. Moreover, the '979 patent discusses that for the simple problems, control is exercised in such a manner that the problems are displayed on the host computer 1 (*i.e.*, the external apparatus), not the printing apparatus 3

[8] See '979 patent, column 7, line 66 to column 8, line 2; column 9, lines 23-35; and column 10, lines 27-34.
[9] See '979 patent, column 7, lines 18-28, 67, and 68.

(*i.e.*, the electronic apparatus).[10] Further, the '979 patent does not disclose that these simple problems are displayed ***only*** when a user request ***to use the predetermined function*** is received.

Additionally, the Office Action asserts that the '979 patent discusses that "a request is made to print a document which inherently entails other request such as feeding paper, printing ink to paper etc., and if one of these requests fails a message is displayed to in form the use of such (e.g. "OUT OF INK)) [sic]."[11] However, assuming *arguendo* that a message is displayed when a request is made to print a document, as noted above, the '979 patent simply discusses that such problems would be displayed on the host computer 1, not the printing apparatus 3. Further, the '979 patent does not disclose displaying a message that the abnormality is occurring ***only when a user request to use the predetermined function is received***.

Moreover, it is respectfully submitted that the '597 patent fails to remedy the deficiencies of the '979 patent, as discussed above. The '597 patent is directed to a method and apparatus for rebooting a printer. In particular, the '597 patent simply discusses generating an error message on the printer's control panel and notifying a network administrator of the printer failure ***if an error counter is greater than a predetermined threshold***. The '597 patent does not discuss an abnormality type determination part configured to determine the type of the abnormality as one of a first type, a second type, and a third type. The '597 patent also does not disclose an abnormality display part configured to display, when the type of the abnormality determined by said abnormality type determination part is of the third type, that the abnormality is occurring only when a user request to use the predetermined function is received.

[10] Id.
[11] See Office Action dated June 2, 2008, page 7.

Thus, no matter how the teachings of the '979 and '597 patents are combined, the combination does not teach or suggest the abnormality type determination part and the abnormality display part defined in Claim 1. Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over any proper combination of the '979 and '597 patents.

Amended Claim 10 recites limitations analogous to the limitations recited in Claim 1. Further, Claim 10 has been amended in a manner analogous to the amendments to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, it is respectfully submitted that Claim 10 (and all associated dependent claims) patentably defines over any proper combination of the '979 and '597 patents.

Previously presented Claims 17 and 34 recite, in part,

> determining a type of the detected abnormality as one of
>
> a first type that cannot be eliminated by a user of the electronic apparatus and that prohibits use of the electronic apparatus,
>
> a second type that can be eliminated by the user of the electronic apparatus, and
>
> a third type that corresponds to a predetermined function in which the abnormality is detected and that prohibits use of the corresponding predetermined function;
>
> displaying, when the determined type of the abnormality is of the third type, that the abnormality is occurring only when a user request to use the predetermined function is received.

As noted above, the '979 and '597 patents, alone or in proper combination, fail to disclose an "abnormality type determination part" and an "an abnormality display part," as defined in Claim 1. Thus, the '979 and '597 patents fail to disclose the methods of Claims 17 and 34, respectively. Accordingly, Applicant respectfully submits that Claims 17 and 34 patentably define over any proper combination of the '979 and '597 patents.

Thus, it is respectfully submitted that independent Claims 1, 10, 17, and 34 (and all associated dependent claims) patentably define over any proper combination of the '979 and '597 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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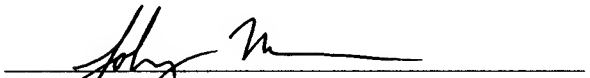

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